

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA and
STATE OF ALABAMA,

Plaintiffs,

v.

BESSEMER PETROLEUM, INC.;
TRI-STATE PETROLEUM
PRODUCTS, LLC; and TWIN
STATES PETROLEUM PRODUCTS,
LLC,

Defendants.

CIVIL ACTION NO.

2:12-cv-01141-RDP

JOINT MOTION TO STAY ALL PROCEEDINGS

Plaintiffs, United States of America and State of Alabama, and Defendants, Bessemer Petroleum, Inc.; Tri-State Petroleum Products, LLC; and Twin States Petroleum Products, LLC (collectively, “the Parties”), by their respective counsel, hereby jointly move the Court to stay this action for an additional 60 days pending ongoing settlement negotiations.

The Court previously granted the Parties’ motions to stay these proceedings for 90 days on two prior occasions, for 60 days on one occasion and for 30 days on

another occasion. The most recent 30-day stay expired on Monday, September 9, 2013. The Parties need additional time within which to negotiate the terms of a settlement and to finalize a proposed consent decree agreeable to all Parties. The Parties have exchanged offers for the terms of settlement and drafts of a consent decree. Further, Plaintiffs have requested certain information from Defendants to facilitate settlement negotiations. Within the last 30 days, Defendants have submitted responses to the Plaintiffs' requests for information with their latest response being submitted to Defendants on last Friday, September 6, 2013. Defendants need more time to consider these latest submissions of information.

The Parties respectfully request that the Court stay all proceedings in this case for an additional 60 days. This request is not made for the purpose of delaying these proceedings or for other improper motive. The Parties submit that the additional time will promote judicial economy and serve the best interests of justice by enabling the Parties to determine whether they can amicably resolve this case while preventing the Court and the Parties from expending unnecessary resources on litigation.

WHEREFORE, the Parties respectfully move this Court for an order staying all proceedings in this litigation for an additional 60 days, ending November 8, 2013, while they continue negotiations toward a settlement agreement for all issues raised by this case.

Respectfully submitted,

FOR THE UNITED STATES:

JOYCE WHITE VANCE
United States Attorney

/s Edward Q. Ragland
EDWARD Q. RAGLAND
Assistant United States Attorney
1801 4th Avenue North
Birmingham, AL 35203
(205) 244-2109
ed.ragland@usdoj.gov

OF COUNSEL:
COLLEEN MICHUDA
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4

FOR THE STATE OF ALABAMA:

LUTHER STRANGE
ATTORNEY GENERAL

/s Anthony Todd Carter
ANTHONY TODD CARTER
Associate General Counsel
ADEM Office of General Counsel
P.O. Box 301463
Montgomery, AL 36130-1463
(334) 271-7977 (Office)
atcarter@adem.state.al.us

**FOR DEFENDANTS BESSEMER
PETROLEUM, INC; TRI-STATE
PETROLEUM PRODUCTS, LLC;
and TWIN STATES PETROLEUM
PRODUCTS, LLC:**

/s Keith W. Turner
KEITH W. TURNER
WATKINS & EAGER, PLLC
400 East Capitol Street
Jackson, MS 39201
(601) 965-1958
kturner@watkinseager.com